

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**EDWARD BROWN,**  
**Plaintiff,**

**v.**

**LIEUTENANT KLINGER,**  
**Defendant.**

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**CIVIL ACTION NO. 23-CV-1061**

**ORDER**

AND NOW, this 3<sup>rd</sup> day of April, 2023, upon consideration of Plaintiff Edward Brown's *pro se* Complaint (ECF No. 2) it is **ORDERED** that:

1. The Clerk of Court is directed to **TRANSFER** the above-captioned case to the United States District Court for the Middle District of Pennsylvania.<sup>1</sup>

2. The Motion to Proceed *In Forma Pauperis* (ECF No. 1) shall be left to the discretion of the transferee court.

**BY THE COURT:**

/s/ **MICHAEL M. BAYLSON**

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**MICHAEL M. BAYLSON, J.**

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<sup>1</sup> Brown filed this lawsuit pursuant to 42 U.S.C. § 1983, against Lieutenant Klinger, who is employed by the Schuylkill County Prison located in Pottsville, Pennsylvania, based on events that took place in Schuylkill County. As there is no apparent basis for venue in this district, the Court will transfer Brown's Complaint to the United States District Court for the Middle District of Pennsylvania, where the events giving rise to Brown's claims occurred and where the Defendant is located. *See* 28 U.S.C. § 118(b), 1391(b) & 1406(a); *Lafferty v. St. Riel*, 495 F.3d 72, 74-75 & n.3 (3d Cir. 2007) (declining to disturb district court's *sua sponte* transfer under § 1406(a)); *Decker v. Dyson*, 165 F. App'x 951, 954 n.3 (3d Cir. 2006) (district court may *sua sponte* transfer case under § 1406(a)).